

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FLOYD W. THOMAS, JR., individually and on  
behalf of all persons similarly situated,

Plaintiff,

v.

ALLIS-CHALMERS ENERGY, INC. and  
AIRCOMP, LLC,

Defendants.

Civil Action No.: 2:10-cv-01591-RCM

Judge Robert C. Mitchell

ELECTRONICALLY FILED

**ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION  
FOR PRELIMINARY APPROVAL OF THE SETTLEMENT AGREEMENT**

AND NOW, this 21<sup>st</sup> day of June 2012, upon consideration of Plaintiff's

Unopposed Motion for Preliminary Approval of the Settlement Agreement, the Court grants  
Plaintiff's Motion and ORDERS as follows:

1. The Parties' Settlement Agreement is preliminarily approved as fair, reasonable and adequate;
2. For settlement purposes, the following State Settlement Class is provisionally certified pursuant to Fed. R. Civ. P. 23, pending final approval of the settlement: all individuals who are current or former employees of Defendants Allis-Chalmers Energy Inc. or AirComp, LLC (or its successor Archer Underbalanced Services LLC) who worked in the Commonwealth of Pennsylvania at any time between December 16, 2008 and August 28, 2011, who were classified as non-exempt and paid pursuant to a daily rate compensation system, including but not limited to Operators and those in similarly titled positions;
3. Floyd W. Thomas, Jr. is preliminarily approved as the Representative of the State Settlement Class;

4. Berger & Montague, P.C. and Hardin & Hughes, LLP are preliminarily approved as Class Counsel for the State Settlement Class;

5. Heffler, Radetich & Saitta LLP is preliminarily approved as Claims Administrator and the costs of claims administration are preliminarily approved;

6. The proposed Class Notice and Claim Form are approved, and shall be sent out pursuant to the terms of the Settlement Agreement; and

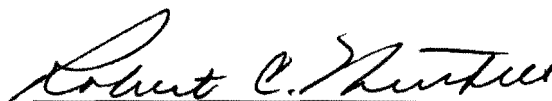
7. The following schedule and procedures for completing the final approval process as set forth in the parties' Settlement Agreement are hereby approved:

Defendants to send CAFA Notice	Within 5 business days after submission of Settlement Agreement to the Court
The parties to provide a list of Federal and State Settlement Class Members to the Claims Administrator	Within 2 business days after preliminary approval
Plaintiff withdraws his Complaint in State Court	Within 5 business days after preliminary approval
Mailing of Class Notices and Claim Forms	Within 8 business days after preliminary approval
Reminder Postcard sent	21 days after the mailing of Notice and Claim Forms
Plaintiff files his motion for approval of attorneys' fees and costs	30 days after the mailing of Notice and Claim Forms
Deadline to postmark objections or requests for exclusion	60 days after the mailing of Notice and Claim Forms
Deadline to postmark Claim Form	60 days after the mailing of the Notice and Claim Forms
Interim report by Claims Administrator	Within 5 business days after the expiration of the Claims Submission Period
Final Approval Hearing	September 11, 2012, at 1 p.m., assuming the Court grants preliminary approval by June 22, 2012
Effective Date	The date of final approval of the Settlement Agreement by the Court and expiration of the time for filing or noticing any appeal of the Final Approval Order ( <i>i.e.</i> , 30 days from the Final Approval Order or any extension of the time for appeal); or if an appeal is filed, the date of final affirmation of the Final Approval Order on any appeal; the expiration of the time

	for petitions for allowance of appeal; and, if the petition is granted, the date of final affirmation of the Final Approval Order following review pursuant to that grant or the date of final dismissal of any appeal or proceedings under appeal
Defendants sends the Gross Settlement Amount to the Claims Administrator	Within 5 business days after the expiration of the Effective Date
Defendants execute Election Statement	Within 5 business days after Defendants send the Gross Settlement Amount to the Claims Administrator
Claims Administrator pays the Named Plaintiff	Within 6 business days after the Effective Date
Claims Administrator pays approved Attorneys' Fees and Costs	Within 6 business days after the Effective Date
Claims Administrator provides counsel with all Claim Forms, final report and Settlement Awards to be Paid to all Eligible Class Members	Within 10 business days after the Effective Date
Claims Administrator Pays Net Settlement Fund to the Eligible Class members	Within 15 business days after the Effective Date
Checks remain valid	180 days after issuance of checks to Eligible Class Members

The Final Approval Hearing is hereby set for September 11, 2012 at 1:00 p.m.

BY THE COURT,

  
Honorable Robert C. Mitchell  
United States Magistrate Judge